IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.189 OF 2005

Mr.Bharat N.Chotai & Anr. ..Petitioners.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Ms.Manorama Mohanthy i/b S.K.Srivastav & Co.for petitioner.

Mr.Manish Bohra i/b M/s.A.S.Khan & Associates for respondent No.2.

Ms.M.H.Mhatre, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 12, 2005.

P.C. :

1. None appears for the petitioners.

2. Counsel for the private respondent rightly submits that petitioners have not availed the alternative efficacious remedy of revision in the Sessions Court. As none appears for the petitioners, petition is dismissed for non-prosecution.

3. Later on, counsel for the petitioners mentioned the matter after giving notice to the respondents pointing out that at the relevant time, she was held up in other court. For the reason

mentioned, order dismissing the petition is recalled and petition is restored to file to its original number.

4. As alternative efficacious remedy is available to the petitioners by way of revision before the Sessions Court in view of the decision of this Court in the case of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778,** no interference is warranted.

5. This petition is disposed of with liberty to take recourse to remedy of revision, if so advised. All questions are left open.

6. The petitioners to file such Revision Application within four weeks from today. Till such time, no precipitative action be taken against the Petitioners. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

7. In case, there is delay in filing Revision Application, Court will take into account the fact that the petitioners had first approached this Court, which period may be excused in computing delay.

8. Petition disposed of on the above terms.